IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

WP(C).No. 29264 of 2007(H)

PETITIONERS:

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1. C.SIDDIQUE, S/O. MOHAMMED BEVINJE,
   POST THEKKI FERRY, CHENGALA VILLAGE,
   KASARAGOD DISTRICT.

2. SHIHAB, S/O. IBRAHIM, KOPA
   POST HIDAYATH NAGAR-671123 MUTTATHODY VILLAGE,
   KASARAGOD, REP. BY HIS GENERAL POWER OF ATTORNEY
   HOLDER NEBEESA, W/O. IBRAHIM, RESIDING AT
   IRSHAD NAGAR, POST HIDAYATH NAGAR, MUTTATHODY
   VILLAGE, KASARAGOD TALUK AND DISTRICT.

BY ADV. SRI.K.SHRIHARI RAO
SMT.N.SHOBHA

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
   THE SECRETARY TO THE GOVERNMENT,
   LOCAL SELF GOVERNMENT DEPARTMENT,
   SECRETARIAT, TRIVANDRUM.

2. THE CHENGALA GRAMA PANCHAYATH,
   REPRESENTED BY ITS SECRETARY, POST CHENGALA,
   KASARAGOD TALUK AND DISTRICT.

3. THE SPECIAL GRADE SECRETARY,
   CHENGALA GRAMA PANCHAYATH, POST CHENGALA,
   KASARAGOD TALUK AND DISTRICT.

R2 & R3 BY ADV. SRI.S.SANTHOSH KUMAR
R1 BY SR.GOVT.PLEADER SRI.K.J.MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.29264 OF 2007

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DATED THIS THE 31ST OCTOBER, 2007

J U D G M E N T

A counter affidavit has been filed by respondents 2 and 3 to which a reply affidavit has been filed by the petitioners.

2. I do not propose to decide on the merits of the matter. But it appears to me that essentially the dispute between the parties is a civil dispute which will have to be adjudicated and settled by a competent civil court. I relegate the petitioners to their remedies before a civil court and dispose of the Writ Petition accordingly. However, in continuation of the interim order dated 3.10.2007, it is clarified that the construction of any compound wall by respondents 2 and 3 for a period of three months from today will be at their risk and subject to the orders to be passed by the civil court.

(PIUS C.KURIAKOSE, JUDGE)

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